



**MINUTES OF THE REGULAR MEETING
OF THE
CIVIL SERVICE BOARD OF THE CITY OF ALAMEDA
WEDNESDAY, NOVEMBER 19th, 2008**

1. The meeting was called to order at 5:06 p.m.
2. **ROLL CALL:** Board Members Michael Rich, Roberto Rocha, Avonnet Peeler, Linda McHugh, Peter Horikoshi and Executive Secretary Karen Willis.

ABSENT: None

STAFF PRESENT: Jill Kovacs, Senior Management Analyst, Chris Low, Senior Management Analyst and Stacey Meier, Administrative Technician I, Human Resources

OTHERS IN ATTENDANCE: Alan Elnick, Linda Justus and various City employees.

3. **MINUTES:** Member McHugh moved to accept, Member Peeler seconded, and the motion carried by a 5-0 vote.
4. **REGULAR AGENDA ITEMS**

4-A Request for Reinstatement – Permit Technician I

Karen Willis explained that a person had voluntarily resigned from their position as Permit Technician I and that they were requesting to be reinstated. She also explained that should the position become available again, they would automatically be placed on the eligible list. Member Peeler moved to accept the reinstatement, Member Rocha seconded and carried by a 5-0 vote.

4-B Eligible List History Review

Karen Willis explained that the board had requested Human Resources staff to bring back information regarding the Golf and Park Maintenance Worker classification, how the job announcements had been posted, history of the classification, how bumping rights apply, and how or why there is only one seniority list. She then passed out materials related to this issue. Jill Kovacs explained that one of the documents was a general look at the Golf Course as a department and division. She went on to explain dates of when the Golf Course became a division under the direction of the Recreation and Parks Department, and when it finally became its own department. Karen Willis stated that the Golf Department is currently being overseen by the Director of the Recreation and Parks Department in the absence of a General Manager of the Golf Complex. Board Member McHugh asked how the rolls changed as the responsibility of the function moved. Jill Kovacs stated that when Fred Framstead came aboard the contracted operations were brought back under the City which meant an expanded roll. Member Horikoshi asked if there was a relationship between the Golf Course being a Division or a Department and whether they are combined classifications or not. Jill Kovacs stated that there was no relation and that the history was for informational purposes and to understand the cohabitation of Golf and Parks and Recreation. Board President Rich asked if, once Golf became a separate Department, there was any difference as to how people got reassigned. Derek Taylor, Golf employee, stated that it was well known that at any time an employee could be reassigned to the Parks Department and vice versa because they were Golf and Park Maintenance Workers. Dennis McDaniels, Parks employee, stated that to his knowledge there had never been any commingling between the two Departments. He also stated that he was not sure whether or not it was a possibility, but as far as he knows it has never been put in place. Mark Smith, Golf employee, stated that several Golf employees had taken lateral transfers to the Parks Department

as recently as 6 months ago and that Golf employees have always provided staff and equipment to the Parks Department whenever they have had special projects. Executive Secretary Willis confirmed that there was a lateral transfer of a Golf employee who transferred to the Recreation and Parks Department. Board Member Rocha asked if there were any documents showing these moves. Executive Secretary Willis stated that for each move there was a Personnel Action Form. Derek Taylor stated that from his perspective the policy was that they were all Golf and Park Maintenance Workers and it was common knowledge that they could be moved from Golf to Parks. Parks employee Dennis Tavares stated that when he was hired his employment papers did not say anything about the Golf Course and that he was hired to work strictly at the baseball facility only.

A job announcement for Park Maintenance Worker - Pools was then distributed to the Board. Executive Secretary Willis explained that the Human Resources Department has always had a single classification for the position called Golf and Park Maintenance Worker and that this classification is part of the ACEA MOU, classification 5260. She stated that this is the classification title that goes to the City Council for pay ranges etc., and it is also the title that was brought to the Civil Service Board when the classification was created. She stated that the earliest date they could find as an example of this was 1972. She also stated that during a recruitment, bulletins are sometimes posted with the working title showing where the position is to be assigned. For example, if it were a Golf and Park Maintenance Worker in Parks it would be posted as a Parks Maintenance Worker and vice versa. She explained that all individuals who were hired into the job were hired under the classification of Golf and Park Maintenance Worker, code 5260. She then went on to explain that there were a couple of exceptions that were labeled Park Maintenance Worker and Golf Maintenance Worker but they are still under the same classification code of Golf and Park Maintenance Worker. Dennis Tavares questioned why the history would show him as being hired to "hardball field only" if they wanted him to be able to move to the Golf Course. Karen Willis stated that when the job was being recruited for, the City wanted to attract people with a specific skill to apply for the position. She also explained that there would be different recruitments and different eligible lists based on those different skills. Chris Low stated that he cannot speak as to what actually happened during the time of the actual recruitment, but that even today they may give an open position a working title and still reference what the baseline classification title is for payroll purposes. He stated that they do this for the purpose of finding the best person for the position. He went on to explain that they will typically hone in on types of skills that they are looking for so that they do not waste the time of anyone they might not necessarily consider.

Derek Taylor stated that the Golf and Park Maintenance Workers have gone to meetings together for months and have been presented with seniority lists with all of their names on them. He stated that it is common knowledge that they are all working under the same classification. Pam Sibley shared that she worked in recruitment for the City for a number of years and that in order to attract the skill set that was desired they would use different supplemental questionnaires and that the full name of the classification was not listed on the bulletin. She also stated that these recruitments resulted in different eligible lists depending on the skill set that Human Resources was recruiting for. Golf employee Mike McCall shared that numerous people have gone back and forth from the Golf and Parks Departments. He stated that Golf maintenance workers have always been the same as the Parks maintenance workers, with the same uniform etc. He also stated that being a Golf maintenance worker requires more skills than the Parks maintenance workers. He stated that he would like to know how some of their titles changed. For example he was hired as a Golf and Park Maintenance Worker and was then promoted to a Leadperson and then his title changed to a Utility Worker. He stated that he was not informed that his title was going to be changed from Leadperson to Utility Worker and wanted to know when his title changed and why.

Member Horikoshi questioned whether everyone on the chart is in the Golf and Park Maintenance Worker classification. Executive Secretary Willis stated that at present they are not, but at one point or another they were. Board President Rich asked if a lateral transfer has to be approved by the department. Karen Willis confirmed that it does. Mark Smith stated that the last transfer was hired as a Golf Maintenance Worker and when a position came open at the Parks they asked him if he wanted to transfer. He stated that the positions are alike because they are all grounds maintenance employees. Bill Hudson, Parks employee stated that he has never seen a Parks Maintenance Worker transfer to Golf. John Brandenburg, Parks employee, stated that he was hired as a Park Maintenance Worker and that he has never had the opportunity to transfer over to Golf. Dennis McDaniels stated that the job was presented to Parks employees in a manner that never gave them any idea they were related to the Golf Department until now, when lay-offs are coming.

Board Member Michael Rich asked how many positions will be eliminated. Alan Elnick stated that 16 positions will be eliminated out of 29 total positions. Executive Secretary Willis clarified that Golf and Park Maintenance Workers are all paid from the same salary range. Board President Rich asked if the lay-offs were happening because of the change in management at the Golf Course or because of the budget. Karen Willis stated that it was happening because the Golf Course is losing money, and in turn, the City is leasing out the Golf Course. She also stated that once the Golf Course is leased out, those positions will be effectively eliminated from City jobs and will not come back if the economy improves. In addition she shared that each person working under the Golf and Park Maintenance Worker classification at the Golf Complex will have certain bumping rights into Golf and Park Maintenance Worker classifications elsewhere within the City and the only other place they exist is in the Recreation and Parks Department.

Jill Kovacs distributed salary schedules to the board, showing salaries and increases going back to 1989. She explained that the job classification is shown as Golf and Park Maintenance Worker on each schedule. Executive Secretary Willis stated that the only classification that has been utilized is Golf and Park Maintenance Worker, and that anybody who was hired under the title of a Parks Maintenance Worker is also under this title. Chris Low explained that during a recruitment they may use a working title that will attract people with a specific skill in order to fill a vacancy, but that the basic skill requirements are the same. As an example, he explained that in the Library there are two Supervising Librarians, one in children's services and one in adult services and they both require the same education and experience.

In reference to the 11/28/06 Civil Service Board Meeting, Board President Rich asked for an explanation of what happened during negotiations with the PANS group and their classifications. Executive Secretary Willis explained that PANS had a generic classification (Police Technician I, II, and III) that they wanted to be separate and distinct (i.e. Public Safety Dispatcher and Jailer). This was brought to the Civil Service Board and the original classifications were broken up. Board President Rich asked if someone who had been reclassified to a Dispatcher position would be able to bump someone hired as a Jailer, after the new job classes had been created, in the event of lay-offs or would the Jailer be protected because they were in a different job class. Karen Willis stated that the Dispatcher would not be able to bump the Jailer because they had not previously held that position. She then confirmed that in the case of the Golf and Park Maintenance Worker this separation had not occurred.

Dashvinder Paul, Golf employee, stated that his name is not on the seniority list that was passed out at the meeting and he would like the Board to look into it. He stated that he was hired as an Equipment Operator and has since been promoted to a Utility Worker and that he does not have any bumping rights. Board President Rich then stated that the list which was passed out at the meeting is not a bumping list. Karen Willis stated that he is not on the list because he is not presently in the Golf and Park Maintenance Worker job class, but that he is subject to lay-off because he works at the Golf Course.

Executive Secretary Willis then passed out the most recent version of the job specification for Golf and Park Maintenance Worker, as well as the two preceding versions which date back to 1972. Jill Kovacs then explained that job code 2075 became code 5260 when she fixed the coding system for the City in the 1980's.

Board Member Horikoshi then thanked staff for providing the job specifications, explaining that he wanted to see if there was consistency and then stating that there was.

Dennis McDaniels shared with the Board that when he was interviewed for his position with the Parks, the panel that interviewed him was comprised of professional pool operators, and people who managed swimming pool facilities. He stated that they never once discussed shrubbery, grass, tees, etc. and that never once was it presented to him in any way, shape or form that his position would be related to the Golf Course.

Board Member Horikoshi asked if Human Resources is required to put the job code on the job announcement to say that it is part of the larger classification. Executive Secretary Willis stated that there is no requirement; however in recent bulletins Human Resources has been doing that. She then verified that the position of Park Maintenance Worker – Pools, which was advertised on the job announcement referenced by Dennis McDaniels, does fall under the Golf and Park Maintenance Worker classification. Board Member Peeler asked if the exams for all of the positions are the same. Executive Secretary Willis stated that they are not necessarily the same, and that there are different supplemental questionnaires which are part of the exam, as

well as an oral board. She stated that there would be different specialized skills that were asked for, but that the minimum qualifications would be the same. Board President Rich asked how divergent the examples of different types of duties that were listed on the descriptions were from the specifications. Pam Sibley stated that, with the bulletins that she worked on, they would pull out the information that applied to that specific position from the job specification.

Board Member McHugh asked, when Human Resources negotiates a new contract, how are these issues discussed and if they are discussed at a classification level between the Union and the City. Terry Flippo, Parks employee, stated that in 2001/02 negotiations the separation from the Golf Course came up. He stated that they discussed the different duties of the jobs and that he went out to the Parks Department to see what their maintenance workers were doing and that a Park maintenance worker came to the Golf Course to see what he was doing. He stated that they were told that it was a Civil Service Board issue and it was not to be addressed in negotiations. Alan Elnick confirmed that is indeed what happened and that they could not negotiate that without the approval of the Board, but that it was never taken to the Board.

Board President Rich asked if there are any other vacancy's within the City that people might be able to be hired into. Executive Secretary Willis stated that they will try to look at any other vacancies that may come up within the City, but that people being layed-off from the Golf Course would not have the right to bump into those positions. She stated that Human Resources would most likely open those positions up internally to give current City employees the opportunity to apply. She stated that right now the City is in a hiring freeze and she does not know if the budget will cause the City to have to make further reductions, and they are not able to fill any vacancies currently.

Executive Secretary Willis stated that the Board has the ability to make a decision to say whether or not Golf and Park Maintenance Worker is indeed a single classification, but that if the Board wanted to do something else it would need to be agendized as an action item for a future meeting. Board Member Horikoshi asked how the Human Resources Department is saying this ought to go if there are lay-offs. Executive Secretary Willis stated that the Human Resources Department is using the seniority list to decide who has bumping rights etc. Board Member McHugh asked if the private firm that is leasing the Golf Course will be able to hire on some of the City's laid off workers. Executive Secretary Willis stated that there is a clause in the contract that states they will consider the City's employees but there is nothing requiring them to take them on. She also stated that there is a consideration to keep the maintenance portion of the Golf Course within the City for a period of time up to one year. She explained that it will be an amendment that will be made through ACEA and will then come back to Council on December 2, 2008 for final approval.

Board President Rich asked, if the Board does not take any action, will the City move forward with the reductions based on how the classification is currently set up. Executive Secretary Willis confirmed this and stated that she would like to have a decision from the Civil Service Board, but that their decision could only be going forward. She explained that if the Board decided to separate the classification it will not change the way the current situation unfolds. Board President Rich asked if there would be any appeal rights that the laid off employees would have if they feel things have been implemented wrong. Executive Secretary Willis stated that it would be through the grievance process unless it was in terms of someone challenging the classification and then it would have to go to the Civil Service Board. Alan Elnick explained that one person is slated for lay off as of January 5, 2009 unless someone retires before then. He went on to say that the next lay off date is May 31, 2009, where there needs to be a reduction of 3 more positions. The next notification of lay-off date after that is October 31, 2009 with lay-offs of December 31, 2009, for a total of 16 positions eliminated.

Board President Rich stated that his understanding of the situation is that there doesn't seem to be any action that the Board can take immediately that would change the status and interpretation of how the classes are set up. He stated that beyond that, even if it were to be agendized for a future meeting, there is nothing that the Board can do that would apply retroactively. He went on to say that it seems like if there are people that don't agree with how staff is interpreting the current classification system, with all

Golf and Park Maintenance Workers being in the same job class, then there may be some appeal right for them to come back to the Civil Service Board to say that the layoff had been implemented wrong. He then requested that staff get back to the Board on exactly how the appeal process would work. He again stated that there is no action the Board would be able to take right now that would decide the question differently than how staff is interpreting it, and there is nothing they can do in the future that would decide how it will affect the people who are being impacted.

Jon Brandenburg wanted to know why, as Maintenance employees they are unable to bump into Public Works Maintenance positions. He stated that the City had a budget crunch in 1994 and that he was able to do so. Executive Secretary Willis stated that she would check into the specifics of that. Dennis McDaniels asked why, as a vested employee who has been working for the City for a decade, his seniority over Public Works employees, who are not vested and have only been employed for a year or two, doesn't matter. Board President Rich explained that each agency is able to adopt its rules and how they handle employment matters differently, and that some cities have it set up where the overall seniority is factored. He went on to say that with the City of Alameda's particular set of Civil Service Rules overall time with the City is not a factor. He further explained that the main reason seniority does not have complete power over everything else is because there are certain situations where the jobs are so different that a person would not be able to perform the job they have seniority over.

Board President Rich suggested that another meeting be scheduled to answer the questions which had been posed. He added that he would also like to find out what the appropriate role of the Civil Service Board is relative to providing advice or counsel to people subject to lay-offs. Executive Secretary Willis stated that staff will schedule another special meeting for mid-December.

John McDonald, Park Manager, asked if there will be a point where the Golf portion of Golf and Park Maintenance Worker will be eliminated, since the City will not be maintaining the Golf Course, so that this confusion will not exist in the future. Jill Kovacs stated that they have to be careful in that situation because they don't want to detrimentally impact people in lay-off status who could possibly be reinstated at a later date. She explained that if the classification they previously held was eliminated, reinstatement would be impossible.

6. **ORAL COMMUNICATIONS, NON-AGENDA (PUBLIC COMMENT)**

None.

7. **CIVIL SERVICE BOARD COMMUNICATIONS (COMMUNICATIONS FROM BOARD)**

None.

8. **CIVIL SERVICE BOARD COMMUNICATIONS (COMMUNICATIONS FROM STAFF)**

9. There being no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Karen Willis
Human Resources Director &
Executive Secretary to the Civil Service Board